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ABSTRACT

The paper reviews the recent development of legislation on the education of handicapped children in the Republic of China, with particular emphasis on the nine-year Basic Education Act of 1968 and The Regulation concerning the Expansion and Improvement of Special Education. Considered is the impact of legislation on the categories of beneficiaries of special education, special education administration, identification and placement of handicapped children, and teacher preparation and study programs. (SBH)

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Legislation for Handicapped Children in the Republic of China

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I. Introduction

Public awareness of the education for handicapped children has always outdistanced legislation by its practical achievement. This is the case in the Republic of China where the first school for the deaf was established back in 1886 in Taiwan. (The first special school in China was set up for the blind in Pekin in 1870). Numerous schools and special classes were opened for the handicapped long before the emergence in official texts of articles specifically related to special education. Previously, provisions concerning special education fell within the framework of the legislation on general education. Educational opportunities for handicapped children and youth were guaranteed by the Constitution enacted in 1947. The Constitution declares that all citizens are equal in educational opportunity and every school-aged child between six and twelve must receive basic education which is free and compulsory.

The Nine-year Basic Education Act of 1968 has many impacts on the rapid development of special education in the Republic of China. The Act raises the school-leaving age up to fifteen years old and requires local educational authorities to develop special education programmes for the physically handicapped, the sensorially deficient, the mentally retarded as well as the gifted and talented so that their schooling opportunity shall be protected. As a matter of fact, it is in the last decade since basic education was extended from six to nine years that the field of special education in Taiwan begans to flourish. However, special education in return helps to improve

the school attendance rate which has risen from 62.29% in 1967-68 to 91.01% in 1976-77 for the first cycle of secondary level and from 97.52% to 99.42% for the primary level. Under the Act, basic education is free and universal between the ages of six and twelve. It is also compulsory. Every child of primary school age must attend school unless a certificate of exemption is issued with certain reason. In the Republic of China, a free public education of nine years is a right assured to every child, including every handicapped child.

II. Categories of Beneficiaries of Special Education

In the Republic of China, as in many countries, the earliest handicapped categories to benefit from special education were the blind, the deaf and the crippled whose disabilities are manifest. The creation of various types of special education programmes for mildly retarded pupils and the gifted and talented marked a new stage of development. This has existed since 1961 when special classes for the retarded were created. Now the students in special classes and those in ingrated programmes with itinerant teachers have out-numbered the handicapped students enrolled in special schools.

"The Regulation concerning the Expansion and Improvement of Special Education" issued in 1970 enumerates seven categories of exceptional children. They are:(1) the mentally retarded, (2) the visually impaired, (3) the hearing impaired, (4) the speech disordered, (5) the orthopedically handicapped, (6) those with chronic diseases and delicacy, (7) the emotionally disturbed and behaviordisordered. An amendment in early 1977 added two new categories:(8) the gifted and talented, and (9) the learning handicapped.

The regulation mentioned above also refers to four kinds of special

education programmes. The palcement of a handicapped child in one of these programmes should correspond to his family situation and expection, as well as to the severity of the handicap. Those programmes include:

(1) Regular class attendance plus special education services;

(2) Part-time or full-time special class;

(3) Special school;

(4) Instruction by an itinerant teacher in a hospital, custodial institution or in home situations.

According to the legal texts, a monthly allowance is paid to handicapped pupils. This allowance includes free boarding and meals, free textbooks and educational materials and some pocket money. Two thirds of these pupils in special schools and quite a number of pupils following special programmes in regular schools benefit from this allowance, the amount of which is equivalent to the allowance paid to the would-be teachers who contracted with the government to serve in the teaching profession after leaving the teacher-training institutions.

III. Special Education Administration

The legislative processes in the Republic of China are similar to those in most of the countries with a centralized government. The laws and decrees are drawn up by the competent authorities who have them adopted through the legislature. Regarding special education, the legal structure is elaborated mostly with ministerial orders and instructions which are usually drafted after due consulatation with experts and professionals. Generally speaking, legislation is drawn up at the national level, but its practical application is remitted to local educational authorities with the exception of study

programmes, certification of teaching staffs and inspection.

There are three ministries competent in the matter of handicapped children. It is the Ministry of Education which carries the major responsibility. It plays an active role in coordinating national efforts and projects. The Ministry of Education is responsible for setting up special schools and classes, granting subsidies and ensuring the training of teaching staff. The Ministry of Interior Affairs, within which a Department of Social Services is created, takes care of the welfare and vocational rehabilitation of the handicapped. The institutions created and supported by social welfare funds fall under its jurisdiction except that their study programmes are still subject to the supervision of the educational administration. The Department of Health provides medical care and clinical expertise in the process of identification of exceptional children.

There are numerous provisions dealing with the organization of special schools. However, these schools subject to the general regulations governing regular schools and also have to comply with the specific requirements set for special schools and institutions. The private special schools maintained mostly by philanthropic organizations are kept in line with the provisions for the public ones. The curriculum for the handicapped at the special schools are broken down into the following levels similar to the public school system : (1) nursery, (2) primary, (3) first cycle of secondary, (4) senior vocational, (5) junior college, and (6) continuing education for adults. It is required that no more than three sections or levels can be established in any one school. So far junior college for the handicapped has been created. But with a view to open higher education to the handicapped, the Ministry of Education conducts annually a special entrance examination to colleges and universities specifically for the handicapped graduates from secondary schools. More than twenty blind students and deaf students are admitted each year to institutions of

higher learning.

The Child Welfare Law enacted in 1973 made provisions for the establishment and management of social service institutions catering to handicapped or problem children. These institutions are developmental centers for the mentally retarded, rehabilitation centers for the physically handicapped, observation centers for the emotionally disturbed or personality disordered children, sheltered workshops, etc.. They are placed under the authority of the social services administration, that is the Ministry of Interior Affairs at the national level, the Department of Social Services at the provincial level and the Bureau of Social Services at the local level.

IV. Identification and Placement of Handicapped Children

"The Regulation concerning Identification and Educational Placement of Exceptional Children" promulgated by the Ministry of Education in 1974 specifies the procedure and criteria of identification of handicapped children. The regulation also provides for a range of educational possibilities corresponding to the types and severity of the children's disabilities. The local educational authorities are required by prior legislation to assign a diagnostic and consulting team composed of medical doctors, school psychologists, special educators as well as administrators to take charge of this matter. The team is convened by the director of the local bureau of education.

Taking account of the educational services and programmes existing so far in the country, the regulation covers for the present time four categories of exceptionality, namely, visual impairment, auditory impairment, orthopedic handicap and mental retardation. In each chapter, one category of handicapped children is regulated. The text provides the definition and classification of the deficiency or disability, the procedure of identification, the necessary

data upon which the identification should be based, the conditions to be considered in taking educational measures on their behalf, different types of schooling that can be selected, and finally the policy and objectives of their education.

As regards identification, the text emphasizes that a multi-dimensional view of the handicapped condition should be taken into account: the disability must be evaluated periodically, and the observation by the teacher and information provided by parents be assimilated with clinical diagnosis. As for educational guidance and placement, it is essential to place a child in normal environment as far as his handicap and family condition permit.

In Taiwan, identification does not occur until a handicapped child reaches schooling age. The local educational authorities are required by a ministerial circular to establish an identification procedure for handicapped school-aged children at its own district and to report the result annually to the ministry. The procedure, in general, follos that of the national prevalence study completed in 1976.

The national prevalence study on exceptional children was carried out from December 1974 through June 1976. It concerned itself with the discovery of suspected cases with a handicap which justify the need for a special education programme. The target population was the 2.35 million children of primary school-age. All public primary school teachers were requested to locate out-of-school children in their proper school zone and pay a visit to their homes in order to have a better understanding of the difficulty which prevented them from attending school. These teachers, as well as teachers in private schools (only 24 schools in the country), were also asked to identify every suspected case of an exceptional child according to a booklet prepared for that purpose. A referral form was filled out for each case and all of these

suspected cases were arranged to go through medical diagnosis and psychological evaluation by a clinical team set up in each district. The result turned out to be that 16,994 children out of school were located. 8,435 among them were prevented from attending school by some disability or other. In addition to that figure, 25,566 children in regular primary schools were referred as being exceptional children with one or more categories of handicaps as follows: blind or partially sighted, deaf and hard-of-hearing, mentally retarded, crippled, and health impaired.

V. Teacher Preparation and Study Programmes

With a view to upgrade the competency of special education teachers, the Ministry of Education issued in 1975 a "Regulation concerning the Certification for Teachers of Special Schools and Classes" in which a minimum of 16 special education credit hours in addition to the general requirements of a qualified teacher were imposed on the teachers of special schools and classes including itinerant teachers. To help those teachers who are not qualified to meet this new requirement, in-service training courses are operated during the summer at teacher training institutes. The certified teachers receive encouragement in form of a special allowance and also a promotion of the salary scale.

According to the same regulation, the validity of certificates lasts only for ten years. Those who have enriched their professional knowledge and skill through attending continuing education programmes during the period are privileged to extend their certificate for another ten years. In such a way, special teachers are encouraged to participate in seminars, workshops or taking extension courses in a university to increase their competency.

Special education teachers are certified in accordance with the school

level of their teaching, e.g., primary, junior secondary and senior vocational. There are also teachers who apply for the certificate on handicraft and manual work teaching. For those who are going to work in a special school as school psychologist, speech therapist, school social workers, or vocational counselor, their qualification is also laid down by the texts.

Special education teachers usually adapt the ordinary programme of each educational level as a baseline and modify it as required. The only exception is for teachers of the mentally retarded. In most of the special classes, teachers apply the experimental curriculum developed by the teacher training institutions and also by the Educational Bureau of Taipei Municipality. They permit a degree of freedom in the choice of ptogrammes as well as teaching methods. A set of curriculum guides for different categories of special schools and classes are now in the process of being legislated and will shortly be issued.

In conclusion, special education in the Republic of China has a very short history of development. The legislators are not very aware of the needs of handicapped children and youth. However, the educational administration has already taken initial actions in elaborating the legislative structure through circulars and regulations. It is expected that an overall thrust of new legislation will be enacted in the near future.